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HUBR 1262-US (10404745)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Hofgen, et al.  
Serial No. 10/825,862  
Filed April 16, 2004  
For 4-,6- OR 7-HYDROXYINDOLES WITH N-OXIDE GROUPS  
AND THE USE THEREOF AS THERAPEUTIC AGENTS

September 23, 2004

This is to certify that this correspondence is being sent by First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450 on the date shown below

Eileen Sheffield  
Eileen Sheffield Date 9/23/04

Commissioner for Patents  
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INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

According to the International Search Report:

DE-196 36 150 A1 is related to US 2002161025 A1; 2003207892 A1; 6,344,467 B1 and 6,008,231 A1; and

DE-198 14 838 A1 is related to US 6,232,327 B1; 2003195360 A1; 2003114511 A1 and US 2003023093 A1; and

WO-99/55696 is related to US 2002111351 A1; 2002115651 A1; US2002119971 A1; 2002137745 A1; 6,251,923 B1 and 2003134876 A1.

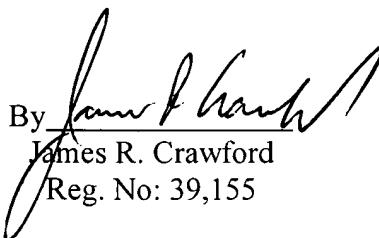
While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

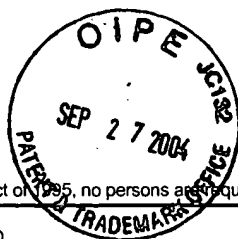
The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR-1262-US. A duplicate copy of this paper is enclosed.

Respectfully submitted

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Enclosures



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/825,862
				Filing Date	April 16, 2004
				First Named Inventor	Hofgen, et. Al.
				Art Unit	
Examiner Name					
Sheet	1	of	1	Attorney Docket Number	NY-HUBR 1262-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-2003/204090 A1	10/30/03	Chimmanamada, et al.	
	AB	US-2004116462 A1	6/17/04	Ono, et al.	
	AC	US-2003153759 A1	8/14/03	Koya, et al.	
	AD	US-2002111351 A1	8/15/02	Hofgen, et al.	
	AE	US-2002115651 A1	8/22/02	Hofgen, et al.	
	AF	US-2002119971 A1	8/29/02	Hofgen, et al.	
	AG	US-2002137745 A1	9/26/02	Hofgen, et al.	
	AH	US-6,251,923 B1	6/26/01	Hofgen, et al.	
	AI	US-2003134876 A1	7/17/03	Hofgen, et al.	
	AJ	US-6,232,327 B1	5/15/01	Hofgen, et al.	
	AK	US-2003195360 A1	10/16/03	Nickel, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	AL	WO-99/55696 A	11/4/99	Dresden Arzneimittel		
	AO	DE-198 14 838 A	10/14/99	Asta Medica AG		
	AP	DE-196 36 150 A	3/12/98	Asta Medica AG		

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
	AQ	Orally Active Indole N-oxide ...inhibitors, Hulme, et al. Bioorganic & Medicinal Chem. Letters. (1998)	
	AR	Anti-Inflammatory and Immunomodulatory...In Vitro", Hatzelmann, et al. Journ. Of Pharmacology and Experimental Therapeutics. Vo.. 297. (2001)	
Examiner Initials*	Cite		T <sup>2</sup>
Examiner Signature		Date Considered	

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